



RE: Chemetco Superfund Site
Merrigan, Jessie to: Michelle Kerr
Cc: Thomas Martin

US EPA RECORDS CENTER REGION 5



02/23/2012 03:48 PM

Ms. Kerr and Mr. Martin,

I am writing to request an additional 30 days to complete BFI's response to the 104(e) Request. In late January we were able to obtain from another PRP a working copy of the nexus and site information DVD offered by EPA at the December meeting (after receiving a blank CD from EPA's contractor). Once we were able to search through the files on that CD, we found that the database identified two BFI locations in addition to the location that received the 104(e) Request. Based upon my reading of EPA's request, it was my interpretation that EPA's request would encompass these newly identified source facilities. As such, I have been working to contact representatives for those two additional sites. Unfortunately one was sold in 2001 and the other destroyed by fire, so I am still working with the company to identify and locate employees who might have worked there.

A limited extension of 30 days would allow us to work to identify any available information on these locations, a task which is challenging given that the time between operation of the site and now has limited the availability of historical records. I would greatly appreciate your consideration of my request.

Thank you,
Jessie Merrigan

Jessica E. Merrigan
2345 Grand Boulevard; Suite 2200 | Kansas City, MO 64108
P: 816-460-5706 | F: 816-292-2001 | JMerrigan@LathropGage.com
www.lathropgage.com

-----Original Message-----

From: Merrigan, Jessie
Sent: Thursday, January 26, 2012 9:32 AM
To: 'Michelle Kerr'
Cc: Thomas Martin
Subject: RE: Chemetco Superfund Site

Good morning Ms. Kerr,

Thank you for your follow up. I actually obtained a copy of the CD from another PRP so I think I have what I need for now. I appreciate the extension of the response deadline as that will allow me to review the materials.

Thank you,

Jessie

Jessica E. Merrigan

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From: Michelle Kerr [mailto:Kerr.Michelle@epamail.epa.gov]
Sent: Monday, January 23, 2012 10:31 AM
To: Merrigan, Jessie
Cc: Thomas Martin
Subject: Re: Chemetco Superfund Site

Hello Ms. Merrigan, are you still having technical trouble with the DVD files? If so we can send out another one. By now you have likely seen my email of 1/18/12 updating parties concerned with the Chemetco site, discussing nexus documents and the DVD, and extending the deadline for a response to the Information Request to March 3, 2012. (For your convenience I pasted it to the bottom of this message.) Let me know.

Sincerely,

Michelle Kerr
US EPA Region 5 Superfund Division
Remedial Project Manager
77 W. Jackson Blvd. SRF 6J
Chicago, IL 60604
Fx: 312.697.2658
T: 312.886.8961

From: "Merrigan, Jessie" <JMerrigan@LATHROPGAGE.COM>
To: Michelle Kerr/R5/USEPA/US@EPA, Thomas Martin/R5/USEPA/US@EPA
Date: 01/13/2012 11:44 AM

Subject: Chemetco Superfund Site

Good morning,

I am outside counsel for BFI assisting them in responding to EPA's General Notice Letter and Information Request for the Chemetco Superfund Site.

After waiting three weeks to receive the DVD that EPA offered at the December 20th Information Session, I received the DVD today only to find that every folder is empty. Additionally, it does not even appear that there is a folder for the nexus information that EPA claims links the parties to the site (backup to the weight table that EPA has provided). In fact none of the folders on the DVD provided to me line up with the folders described in your letter.

EPA has refused to provide an extension of the response deadline beyond February 3rd and has asked that parties provide responses on their intent to negotiate by this Tuesday. However, I am not sure how EPA can expect parties to meet either date when we have not yet even received the basis for EPA's claim.

I would appreciate an update on when I can be provided a working DVD and whether EPA intends to provide the parties with any additional information for the nexus to the site.

Thank you,
Jessie Merrigan

Jessica E. Merrigan
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----- Forwarded by Michelle Kerr/R5/USEPA/US on 01/23/2012 10:27 AM -----

From: Michelle Kerr/R5/USEPA/US
To: alemay@candffirm.com, alice@metalttrader.com, Alucia@erico.com, aperellis@seyferth.com, AWagner@bmsa.com, Bruce.White@btlaw.com, ceerker@bryancave.com, cefflandt@foulston.com, CGVanDyke@mintz.com, christina.archer@arcelormittal.com, charlie@advchem.com, CMRichards@olin.com, cvanburen@vanburenlaw.com, dadescrap@aol.com, Debbie.Hays@simsmm.com, dmehlman@hinshawlaw.com, drosenblatt@burnslev.com, envirodynamics@netnitco.net, flores@guidaslavichflores.com, frank.hackmann@snrdenton.com, gregmaxwell@rmcrecycle.com, hsheldon@bosoolaw.com, huvarad@hhjwlaw.com, jacqui.hawn@weyerhaeuser.com, jc3@quarles.com, jdjeep@enviroatty.com, jeffcometals@yahoo.com, jgimm5@atlasmetal.com, jillian.ryelaw@comcast.net, jim.thaxton@rumpke.com, jjakubiak@schm.com, jkellmeyer@thompsoncoburn.com, jle@quartes.com, jmadona@btlaw.com, JMerrigan@LATHROPAGE.COM, jn@nijmanfranzetti.com, joe.kvetensky@commscope.com, john.kindschuh@BryanCave.com, Joseph.Jackowski@weyerhaeuser.com, jsimms@atlasmetal.com, kg@nijmanfranzetti.com, kwhitby@spencerfane.com, kwill@bfw-law.com, larry@BMIONLINE.us, lee.dehins@alston.com, mark.a.hester@delphi.com, marsha.smith@arkema.com, medwards@kddk.com, mike@ewaste.com, mike.debacker@danacollc.com, mlarose@larosebosoolaw.com, msargis@bellandesargis.com, muellerf@jbltd.com, mwayne@alphaomegarecycling.com, nancy.berenson@arkema.com, neil.samahon@metrorecycling.net, pfd@lawmso.com, pgenzler@vanblk.com, rcardwell@mcnair.net, rricci@lowenstein.com, Sahand.Boorboor@AllenOvery.com, sanforda@pepperlaw.com, SchwingendorfJ@nibco.com, scott@metalrecyclingsystems.com, scotte@kincaidlaw.com, scottmiller@simsmm.com, sdaniels.fss@snet.net, slh@freensfelder.com, spierce@qrsrecycling.com, srichardson@kilpatricktownsend.com, sschultz@sandbergphoenix.com, sslack@foley.com, susan.charles@icemiller.com, tbick@bltplaw.com, thomas.dimond@icemiller.com, todd@safranmetal.com, wcalvert@armstrongteasdale.com, wfunderburk@candffirm.com, william.leikin@utc.com, wtoole@rbh.com
Cc: Ken.Rivlin@allenovery.com, jwagner@cocksonelectronics.com, sschultz@sandbergphoenix.com, gariglianow.law@torrana.com, csr@rosemarinlaw.com
Date: 01/18/2012 04:01 PM
Subject: UPDATE From U.S. EPA: Chemetco Superfund Site

Dear General Notice Letter Recipient:

Thank you for contacting U.S. EPA. This email is to respond to some questions we have received thus far and to provide some clarity on the path forward in this case as the Superfund program sees it.

Site File DVD: By now you should have received the Chemetco site file informational DVD, as a follow up to the December 20, 2011 Information Session. This DVD was shipped last Thursday via overnight service, and the cover letter describes its contents. Please let us know if you did not receive a copy or you have had any problems with viewing its contents.

Nexus Documents: We have received many calls requesting copies of documents that link parties to the Site (e.g., "nexus" documents). In general response to this inquiry, the primary documentation we used to identify potentially responsible parties (PRPs) in this case (e.g. the nexus documents) is the recovered transactional database from the Chemetco site that is included on the site file DVD. Within the DVD, the data are provided in a raw, substantially un-manipulated form, as recovered from an old computer system at the Site (aka the Wang system). Additional materials remain at the Site, in locations secured by the bankruptcy trustee, including but not limited to bills of lading, scale tickets, and financial records. Also, EPA has in its file some of the Estate's microfilm that contains images of scale tickets and possibly other materials. EPA has not undertaken a complete review of these materials at this time.

If you intend to visit the EPA Region 5 Superfund Records Center to view the Chemetco site file, please call the Circulation Desk at 312.886.0900 to make an appointment to view the files.

Response to General Notice: We did not extend the date to respond to the General Notice Letter for any recipients. However, we will accept a supplement or amendment to your response, if you believe, after your review of the Site files or DVD, that one is warranted.

Response to Information Request: We appreciate the concerns a number of you expressed about your ability to respond to the Information Request (if applicable) by February 3, and recognize the requests for extensions we heard at the 12/20/11, meeting. In response to these requests, the Superfund Program hereby agrees to an additional one-month blanket extension for responding to the Information Request (if you received one) to March 3, 2012. We believe this additional extension will allow you adequate time to provide a complete response to the Information Request.

Master Contact List: Finally, attached is a master contact list of firms and their representatives who have contacted us in response to the recent General Notice Letter for the Chemetco Superfund Site. It is current as of January 15, 2012, and we will update and maintain it. If you have been cc'd to this email, we will add your contact information to the list. We hope it helps facilitate communications amongst you, and with us.

We mentioned that we would like to meet with cooperating parties in the coming months to discuss an Administrative Order on Consent and Statement of Work for the Remedial Investigation/Feasibility Study. We anticipate sending you a draft of these documents in the near future.

Again, your responsiveness is appreciated. Please continue to contact me for technical questions about the site, and Thomas Martin (312.886.4273 or martin.thomas@epa.gov) for legal questions.

Sincerely,

Michelle Kerr
US EPA Region 5 Superfund Division
Remedial Project Manager
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E: kerr.michelle@epa.gov <<mailto:kerr.michelle@epa.gov>>



RE: UPDATE From U.S. EPA: Chemetco Superfund Site v.5

Merrigan, Jessie

to:

Michelle Kerr

02/24/2012 03:49 PM

Hide Details

From: "Merrigan, Jessie" <JMerrigan@LATHROPGAGE.COM>

To: Michelle Kerr/R5/USEPA/US@EPA

Thank you!

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From: Michelle Kerr [<mailto:Kerr.Michelle@epamail.epa.gov>]

Sent: Friday, February 24, 2012 3:37 PM

To: alemay@candffirm.com; alice@metaltrader.com; Alucia@erico.com; Aperellis@seyfarth.com; Schulkin, Andrew; AWagner@bmsa.com; bcorbin@DeffenbaughInc.com; bfullmer@erico.com; Bruce.White@btlaw.com; ceerker@bryancave.com; cefflandt@foulston.com; CGVanDyke@mintz.com; christina.archer@arcelormittal.com; charlie@advchem.com; CMRichards@olin.com; csr@rosemarinlaw.com; cvanburen@vanburenlaw.com; cladesrap@aol.com; Debbie.Hays@simsmm.com; dmehlman@hinshawlaw.com; drosenblatt@burnslev.com; envirodynamics@netnitco.net; FChin@wm.com; flores@guidaslavichflores.com; frank.hackmann@snrdenton.com; gariglianow.law@tomrana.com; gberlowitz@foley.com; gregmaxwell@rmcrecycle.com; hsheldon@hinshawlaw.com; huvard@hhjwlaw.com; jacqui.hawn@weyerhaeuser.com; Janine.Landow-

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 wtoole@rbh.com

Subject: UPDATE From U.S. EPA: Chemetco Superfund Site v.5

Dear Potentially Responsible Parties:

A number of you have asked for additional time, beyond March 3, 2012, to respond to EPA's Information Request. In recognition of the effort required to gather and review records related to the site, and of (many of) your willingness to participate in negotiations with EPA, **we are granting another blanket extension to May 4, 2012 for you to respond to the Information Request.** In order to continue making progress with this process, we agree with the suggestion some of you had and will hold another informational meeting. And, before this meeting we will circulate a draft of an Administrative Order on Consent and Statement of Work for the remedial investigation and feasibility study for the site.

The meeting will be held March 9, 2012 at 9:30 am at our offices in Chicago. See <http://www.epa.gov/aboutepa/region5visit.html> for information on getting here. The meeting room will be available the rest of the day for you to meet among yourselves, if you choose, after meeting with us.

 Remote access:

Meeting Name: Chemetco Information Session for PRPs

Summary: Informational meeting and discussions between EPA and PRPs for Chemetco Superfund site.

When: 03/09/2012 9:30 AM - 11:30 AM

Time Zone: (GMT-06:00) Central Time (US and Canada)

Where: Illinois Room on the 12th floor of 77 W. Jackson Blvd., Chicago, IL 60604

Conference Number(s): 1.866.299.3188

Participant Code: 312 353 8730

To join the meeting:

<https://epa.connectsolutions.com/chemetco/>

If you are no longer the current contact for this site or do not wish to receive these emails, please reply with the subject line REMOVE.

Sincerely,

Michelle Kerr
US EPA Region 5 Superfund Division
Remedial Project Manager
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